

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

March 21, 2003

The Honorable David H. Wilkins
Speaker of the House of Representatives
State House
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3672, R-23, an Act:

TO PROVIDE FOR THE PROCEDURES AND REQUIREMENTS TO MAKE UP DAYS
LOST BECAUSE OF WEATHER OR OTHER DISRUPTIONS IN SPARTANBURG
COUNTY SCHOOL DISTRICTS 1, 2, 3, 4, 5, 6, AND 7.

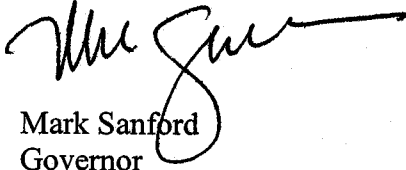
This veto is based upon my belief that H. 3672, R-23 is unconstitutional.

Though well-intentioned as it might be, H. 3672, R-23 is an example of specific legislation that has been enacted to address circumstances that could have been addressed by general legislation. The state constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34 (IX). Although H. 3672, R-23 provides that the Legislative Delegation should ascertain whether the local school board of trustees supports excusing missed school days, H. 3672, R-23 continues to require the General Assembly to excuse missed school days by special legislation. The General Assembly could establish a general statute that sets forth the general types of events or occasions when missed school days may be exempted from the make-up requirement, and authorize school districts throughout the state to exercise discretion in granting such exemptions. The recurring nature of special legislation that provides an exemption from the mandatory make-up requirement for missed school days demonstrates the policy basis for Article III, Section 34's directive that special legislation be avoided in all cases where general legislation can be enacted.

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In summary, I believe the specific nature of H. 3672, R-23 renders this Act unconstitutional. For this reason, I am returning H. 3672, R-23 to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford", with a long horizontal flourish extending to the right.

Mark Sanford
Governor